

PATENTS
112056-0139U
P01-1584.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Daniel Ting et al.)
)
Serial No.: 10/776,057) Examiner: Morrison, Jay A
)
Filed: February 11, 2004)
) Art Unit: 2168
For: SYSTEM AND METHOD FOR)
COMPARING DATA SETS)
)
) Cesari and McKenna, LLP
) 88 Black Falcon Avenue
) Boston, MA 02210
) August 14, 2007

CERTIFICATE OF TRANSMISSION

I hereby certify that the following papers are being electronically transmitted to the Patent and Trademark Office by EFS-Web on August 14, 2007.

/Merisa Jakupovic/
Merisa Jakupovic

Commissioner for Patents
Art Unit 2168
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

AS UNAVOIDABLY ABANDONED UNDER 37 CFR 1.137(A) OR ALTERNA-

TIVELY FOR REVIVAL OF APPLICATION AS UNINTENTIONALLY ABAN-

Adjustment date: 01/02/2008 CKHLOK
08/14/2007 INTEFSW 00005028-031237 10776057
01 FC:1452 500.00 CR

DONED UNDER 37 CFR 1.137(B)

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The above-identified application became abandoned for failure to respond to an Office Action mailed on September 14, 2006. The date of abandonment is the day after the expiration date of the period set for reply in the Office Action plus any extensions of time actually obtained.

On April 20, 2007, Applicant's received a Notice of Abandonment from the Examiner Jay A. Morrison.

Applicants hereby petitions for withdrawal of the holding of abandonment under 37 CFR. §1.137(a), which states:

"(a) *Unavoidable*. If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent."

Applicant attaches Exhibit A showing that Notice of Non-Compliant Amendment was not received. Additionally, Exhibit C shows that the Notice of Non-Compliant Amendment was never available on Private Pair. Therefore, replying to the Notice of Non-Complaint Amendment within the time period set forth was unavoidable.

PETITION FEE:

The Director is hereby authorized to charge the appropriate petition fee(s) under 37 CFR §1.17(l) or any additional fee occasioned by this Petition to our Deposit Account No. 03-1237.

REPLY:

Applicants cannot submit an Amendment in response to the Notice of Non-compliant Amendment because the Notice of Non-compliant Amendment was not sent

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with the Notice of Abandonment as requested nor available through Private Pair. (See Exhibit B &C)

STATEMENT:

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable.

TERMINAL DISCLAIMER:

As this application was filed after June 8, 1995, no terminal disclaimer is required.

Alternatively, should the USPTO not grant the petition under 37 CFR §1.137(b), Applicants hereby petitions for revival of this application as unintentionally abandoned under 37 CFR §1.137(b).

PETITION FEE:

The Director is hereby authorized to charge the appropriate petition fee(s) under 37 CFR §1.17(m) or any additional fee occasioned by this Petition to our Deposit Account No. 03-1237.

REPLY:

Applicants cannot submit an Amendment in response to the Notice of Non-compliant Amendment because the Notice of Non-compliant Amendment was not sent with the Notice of Abandonment as requested nor available through Private Pair. (See Exhibit B &C)

STATEMENT:

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional, as

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the Notice of Non-Compliant Amendment was never received, which is supported by the affidavit and the Notice of Non-Compliant Amendment.

TERMINAL DISCLAIMER:

As this application was filed after June 8, 1995, no terminal disclaimer is required.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/Shannen C. Delaney/

Shannen C. Delaney
Reg. No. 51,605
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: <u>12/31/07</u>		2 Serial/Patent # <u>10/776,057</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
<input type="checkbox"/> Filing			\$
<input type="checkbox"/> Amendment			\$
<input type="checkbox"/> Extension of Time			\$
<input type="checkbox"/> Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/> Petition		IFW	\$ 500.00
<input type="checkbox"/> Issue			\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/> Maintenance			\$
<input type="checkbox"/> Assignment			\$
<input type="checkbox"/> Other			\$
		7 TOTAL AMOUNT OF REFUND	\$ 500.00
		8 TO BE REFUNDED BY:	
10 REASON:		Treasury Check	
<input type="checkbox"/> Overpayment		X	Credit Deposit A/C #:
<input type="checkbox"/> Duplicate Payment		9	0 3 -- 1 2 3 7
<input checked="" type="checkbox"/> No Fee Due (Explanation):		Abandonment withdrawn - Consideration of petition under 1.137 unnecessary.	
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Nancy Johnson</u>		TITLE: Sr. Petitions Attorney	
SIGNATURE: <u>Nancy Johnson</u>		PHONE: 571-272-3219	
OFFICE: Office of Petitions			
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APPROVED: <u>Chabot</u>		DATE: <u>1/2/88</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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